

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH.

FILED

U.S. DISTRICT COURT

Michael Ames *Plaintiff*, A 11-23  
Vs., *Defendant*:  
DISTRICT OF UTAH  
BY: *Judge Dale A. Kimball*  
TODD CHRISTENSEN, DEPUTY CLERK  
*Plaintiff*,  
Defendant.

Judge Dale A. Kimball  
Case No. 11-23-CV-007-DAK

BRIEF PROSE

Come Now Plaintiff Michael Ames  
who Respectfully Reply To The Response  
and Fraud Committed upon The Court  
by Counsel of Record for Defendant.

And That because of The Civil  
Misconduct by Counsel when he  
argued False and Misleading Evidence  
To The Court,

Plaintiff would Respectfully ask The  
Court to Prevent Counsel From  
all Future Appearances In This Case,

And That The Response by Counsel  
be STRICKENED From The Court Records,  
OR IN The ALTERNATIVE  
The waiver of Defendants Rights To  
Respond by applied To This Case,  
whereas The Court would Then Receive  
The Filed Response by Defendant as  
a FRAUDULENT Document by Representation.

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## ARGUMENT-

Being a STATE AUTHORITY OR NOT  
The Courts Have Never Held any  
Difference between a STATE AUTHORITY  
OR REGULAR CITIZENS,

Though They may Have offended The Law  
OR NOT.

Nor Do The Courts give PERSONS OF AUTHORITY  
The Rights of Judge and Executioner  
IN THE ALLEGED CALL OF DUTY.

Therefore Counsel's ARGUMENT most  
CERTAINLY move The COURT TO DENY  
Defendants ATTEMPTS TO CIRCUMVENT  
The Laws as WRITTENED (U.S 42 1983.)  
AND all OTHER WRITTEN PROVISIONS OF LAW.

IT IS The asserted ARGUMENT by COUNSEL  
FOR DEFENDANT THAT The CONSTITUTION  
ONLY MATTERS WHEN The DEFENDANT  
HAPPENS TO BE A POLICE OFFICER OR  
A PERSON OF AUTHORITY,  
AND THAT The COURT SHOULD MERELY  
ASSUME THAT EVERY WORD WHICH  
PROCEEDS FROM THE MOUTH OF AN ACCUSED  
POLICE OFFICER, WHO HAS AN ALLEGED  
CIVIL COMPLAINT AGAINST HIM,  
WOULD PRECLUDE The COURTS FROM  
APPLYING The CONSTITUTIONAL RIGHTS OF  
THE PLAINTIFF TO A CIVIL ACTION.

Therefore The COURT SHOULD VIEW DEFENDANTS  
RESPONSE AS ONLY AN ATTEMPT TO INFLAME  
THE PASSION OF The COURT FOR A PARTIAL RULING.

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ARGUMENT-

Counsel For Defendant IS NO DOUBT  
AN EXPERT AT ILLUSIONS

Because His Inflated Dramatization  
of What He only Presumed To Have  
occurred IS Merely His ATTEMPTED  
To SLANT The actual Facts of The alleged  
Event, which NO DOUBT was Indeed  
Reckless and well beyond Defendants  
SWORD Call To Civil Service.

Plaintiff Surely agrees with Counsel  
That Defendant IS a CERTIFIED Police  
OFFICER, and IS Employed by Weber  
County Sheriffs Department,

However

This Highlight of Defendants background  
DO NOT EXCUSE His Reckless Civil Actions  
against Plaintiff,

More Important,  
Counsel For Defendant IS NOT a LICENSE  
Psychologist,

NOR IS He a mind Reader,

Therefore Counsel IS again Trying To  
Inflame The Passion of The Court To  
Dis Regard The afforded CONSTITUTIONAL RIGHTS  
and Civil Rights of The Plaintiff.

## ARGUMENT-

Each of the Detectives state in their affidavits that the Plaintiff was shot only while moving toward the defendant. However

Counsel for defendant argues that Plaintiff was shot only in the front of his body, and that Plaintiff was never shot in the back while on the ground,

This argument by counsel is indeed false and misleading,

Because the medical evidence clearly demonstrate that Plaintiff suffers from multiple gunshot wounds in his back,

What is very contradictory of counsel's argument, is that both affiants to the case have sworn that Plaintiff was shot 5 times in his front torso, yet the defendant and his affiant failed to state that the Plaintiff was no doubt shot in his back while face down on the ground apposing no immediate threat to defendant or society.

Again counsel is attempting slant the facts which demonstrate that his client is indeed responsible for his own reckless acts of civil violations against the Plaintiff.

## ARGUMENT-

IT would appear That by Counsel's Inflated arguments, Counsel Has COMMITTED Fraud upon The COURT When Counsel argues That The Plaintiff Had Pointed a gun at The Defendant, Thus affording The Defendant absolute Immunity by Self Defense Claim only AFTER The Complaint was Filed.

However

IT IS NOT EVEN CLEAR IF PLAINTIFF Had at all Pointed a gun at The sky, This IS especially TRUE when The Defendant and His affiant NEVER Stated in Their Sworn affidavit account of The Event That Plaintiff Had Done Such as Counsel Now Claims.

Infact The affidavit by Detective Hart They STATES That IT appeared as IF Plaintiff Had a gun in His Hand, But No mention of Plaintiff Pointing The gun at Defendant,

Too often in This COUNTRY The Detectives Have mistaken objects in Citizens Hands as guns when in fact The object was other than a weapon, Though in Some Cases The Hyper Intensive assumptions by The Detectives Did Indeed Cause Some Deaths.

## ARGUMENT-

COUNSEL'S ARGUMENT TO THE COURT IS THAT HIS CLIENT HAS IMMUNITY FROM ALL CIVIL ACTION COMPLAINTS, WHICH MAY BE ALLEGED AGAINST HIM BECAUSE, BEING A CERTIFIED POLICE OFFICER, DEFENDANT'S REACTION TO PLAINTIFF'S APPEARANCE ONLY TOOK 2 TO 5 SECONDS, OF WHICH COUNSEL SUGGEST THAT DEFENDANT GAVE A SOUND JUDGEMENT OF THE SITUATION PRIOR TO DEFENDANT'S RECKLESS USE OF FORCE.

THIS ARGUMENT BY COUNSEL AGAIN DEMONSTRATES HIS INFLATED EXAGGERATED MISLEADINGS OF THE ABSOLUTE FACTS, AND THAT COUNSEL'S ONLY CONCERN OF THE LAW IS THAT HE SHOULD WIN, NO MATTER HOW FALSE HIS ASSERTIONS ARE,

MORE IMPORTANT, BECAUSE COUNSEL HAS COMMITTED FRAUD UPON THIS COURT, THIS CASE WOULD WARRANT RULE 60 BE APPLIED IN INTEREST OF THE PLAINTIFF AND THAT COUNSEL BE REMOVED FROM THIS CASE IN THE INTEREST OF JUSTICE.

LASTLY, AS THE P-L-R-A IS FOR OFFENSIVE INSTITUTIONAL CIVIL VIOLATIONS AGAINST A PRISONER IN CUSTODY, THE PRISONER GRIEVANCE PROCESS DO NOT AFFORD A PRISONER ACTION AGAINST A NON-INSTITUTIONAL EMPLOYEE SUCH AS THE DEFENDANT.

## Conclusion-

Plaintiff Now move The Court To View The Fraud Committed upon The Court by Counsel as a Blatant attempt by Counsel To Deny Plaintiff His Civil and Constitutional Rights To Bring a Civil Complaint To The Court And To be Heard by The Court.

Counsel's argument is a mere attempt To Inflame The passion of The Court Because Plaintiff Has Satisfied The Integrity of Justice Through The Preponderance of The Evidence set forth in This Civil Complaint.

Therefore Plaintiff Respectfully move The Court To Set This matter for an oral argument For Resolution of The Case.

Respectfully  
Submitted by

Michael Ames  
Plaintiff.

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JUN 4, 2013.

45-11-22  
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